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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,277	01/28/2004	Douglas M. Cszaszar	85921SLP	4290
7590 03/23/2006				
Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201		EXAMINER KOHNER, MATTHEW J		
		ART UNIT PAPER NUMBER		
		3653		
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/767,277		CSASZAR ET AL.	
	Examiner		Art Unit	
	Matthew J. Kohner		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/28/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the unlatching of the access member" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "a material which promotes control of electrostatic charging." This limitation is unclear since one of ordinary skill in the art would not understand what is encompassed by the language "control of electrostatic charging" and even less what material promotes that control.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,068,439 to Ohta (*hereinafter* "Ohta").

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Ohta discloses a cassette, comprising:

- a box member (310) adapted to house a sheet-shaped image medium therein, the box member being provided with an opening (12a) through which the medium can be fed into and out of the box member along a first direction;
- an access member (13) attached to the box member and movable about an axis substantially perpendicular to the first direction between a first position (Fig. 19a) wherein the access member is disposed in the opening and a second position (Fig. 19b) wherein the access member is not disposed in the opening; and
- a transport member (370) disposed within the box member and translatable within the box member in the first direction to move the medium into and out of the box member through the opening when the access member is in the second position (Col. 27, line 48- col. 29, line 18).

In regard to claim 2, Ohta discloses phosphor sheet (11).

In regard to claim 3, See Fig. 19A, where bottom of feed out member (370) has planar surface in contact with surface of medium.

In regard to claims 5 and 6, Compare Fig. 19A with 19B.

In regard to claim 7, see Figs. 19A and B, which disclose a single operation for actuating unlatching of the access member, movement of the access member and movement of the transport member.

In regard to claim 10, Ohta discloses shaft (371).

In regard to claim 11, Ohta discloses the cassette is created from synthetic resin (col. 12, lines 4-21).

In regard to claim 12, Ohta discloses spring (36) (see also col. 13, lines 18-32).

Claims 1-3, 6, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,441,251 to Ohta (*hereinafter* "Ohta '251").

Ohta '251 discloses a cassette, comprising:

- a box member (130) adapted to house a sheet-shaped image medium therein, the box member being provided with an opening (140) through which the medium can be fed into and out of the box member along a first direction;

- an access member (142) attached to the box member and movable about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening; and

- a transport member (138) disposed within the box member and translatable within the box member in the first direction to move the medium into and out of the box member through the opening when the access member is in the second position.

In regard to claim 2, Ohta '251 discloses phosphor sheet (12).

In regard to claims 3 and 6, see Fig. 15, where bottom of pusher (138) has planar surface (front edge) in contact with surface (back edge) of medium.

In regard to claim 8, Ohta '251 discloses an assist mechanism (146) biased on the first direction to promote translation of the pusher.

In regard to claim 10, Ohta '251 discloses a guide (134).

In regard to claim 11, Ohta '251 discloses the cassette is created from resin (col. 7, line 47).

Claims 1-3, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,056,279 to Kulick (*hereinafter* "Kulick").

Kulick discloses a cassette, comprising:

- a box member (10) adapted to house a sheet-shaped image medium therein, the box member being provided with an opening (see Fig. 1) through which the medium can be fed into and out of the box member along a first direction;
- an access member (11) attached to the box member and movable about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening; and
- a transport member (19) disposed within the box member and translatable within the box member in the first direction to move the medium into and out of the box member through the opening when the access member is in the second position.

In regard to claim 2, Kulick discloses X-ray film sheet (34).

In regard to claims 3 and 6, see Fig. 2.

In regard to claim 7, see Fig. 4.

In regard to claim 10, Kulick discloses a guide (14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of US Patent No. 4,434,501 to Pfeiffer (*hereinafter* "Pfeiffer").

Ohta discloses that feed out member (371) can be comprised of a nonwoven fabric which has protecting and cushioning effects on the phosphor sheet and is flexible (Col. 27, lines 60-65). Ohta does not specifically disclose neoprene. Pfeiffer disclose attaching a foamy plastic onto a transport member (col. 2, lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a piece of foamy plastic material (such as neoprene) to the bottom of feed-out member (371), as taught by Pfeiffer, since it would provide additional cushioning and protection for the phosphor sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of US Patent No. 6,504,166 to Imai (*hereinafter* "Imai").

Ohta does not specifically disclose the size of the distance of translation of the transport member. However, Imai discloses that the size of a phosphor sheet is 430mm by 430 mm (col. 23, lines 66-67). Given those dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the displacement amount taught by Ohta (see Fig. 19), is about 50.8mm –127mm.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta '251 in view of Pfeiffer.

Ohta '251 does not disclose neoprene attached to the surface of the pusher. Pfeiffer discloses attaching a foamy plastic onto a transport member (col. 2, lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a piece of foamy plastic material (such as neoprene) to the contact surface of the pusher, as taught by Pfeiffer, since it would provide cushioning and protection for the phosphor sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta '251 in view of Imai.

Ohta '251 does not specifically disclose the size of the distance of translation of the transport member. However, Imai discloses that the size of a phosphor sheet is 430mm by 430 mm (col. 23, lines 66-67). Given those dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the displacement amount as taught by Ohta (see Fig. 15 and 19), is about 50.8mm – 127mm.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulick in view of Pfeiffer.

Kulick discloses a transport member (19). Kulick does not specifically disclose neoprene. Pfeiffer discloses attaching a foamy plastic onto a transport member (col. 2, lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was



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made to attach a piece of foamy plastic material (such as neoprene) to the bottom of the transport member (19), as taught by Pheiffer, since it would provide additional cushioning and protection for the phosphor sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulick in view of Imai.

Kulick does not specifically disclose the size of the distance of translation of the transport member. However, Imai discloses that the size of a phosphor sheet is 430mm by 430 mm (col. 23, lines 66-67). Given those dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the displacement amount as taught by Kulick (see Fig. 2), is about 50.8mm –127mm.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner  
Examiner  
Art Unit 3653

mjk

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**